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PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Northern States Power Company-Wisconsin, as an Electric Public Utility, for Approval of Electric Vehicle Home Service Programs — 4220-TE-104

FINAL DECISION

This is the Final Decision in the investigation conducted by the Public Service Commission of Wisconsin (Commission) to consider the request of Northern States Power Company-Wisconsin (NSPW) for approval of three electric vehicle (EV) service programs. The application is APPROVED, as conditioned by this Final Decision.

Introduction

On November 20, 2019, NSPW filed an application with the Commission for approval of three EV service programs. (PSC REF#: 379775.) The Commission issued a Notice of Investigation on December 19, 2020. (PSC REF#: 381205.) Citizens Utility Board of Wisconsin (CUB), RENEW Wisconsin, Wisconsin Industrial Energy Group (WIEG), and ChargePoint requested to intervene and were granted intervenor status. (PSC REF#: 382775.) None of the parties requested a hearing, and no hearing was required or held.

A memorandum and letter requesting comments on NSPW's request for approval of three EV service programs was served on May 20, 2020. (PSC REF#: 389765.) The Commission received comments from the parties of NSPW, CUB, WIEG, and ChargePoint. (PSC REF#: 390839, PSC REF#: 390847, PSC REF#: 390843, PSC REF#: 390834.) The Commission also received several public comments from local economic development corporations, state representatives, other organizations, and members of the public. On June 24, 2020, the

Commission solicited additional comments. (PSC REF#: 392545.) The Commission discussed this matter at its open meetings of June 18, 2020 and July 16, 2020.

Findings of Fact

1. NSPW filed an application with the Commission for approval of three EV service programs on November 20, 2019.

2. It is reasonable to authorize NSPW to implement the proposed EVR-1, EVR-2, and Commercial Program programs, as pilot programs, as modified and conditioned by this Final Decision.

3. It is reasonable to direct NSPW to work with Commission staff to agree on accounting procedures to track program costs and revenues, and ensure there is no cross-subsidization from other non-participating customers. NSPW shall provide accounting treatment and procedures for the programs within 60 days of this Final Decision.

4. It is reasonable to direct NSPW to provide annual reporting for the EVR-1 and EVR-2 programs on the following:

    a. Number of customers and selected options (bundled vs. prepay);

    b. Total amount of electricity sold by time-of-day (TOD);

    c. Program budget and spending; and

    d. Survey results regarding customer satisfaction and installation experiences.

5. It is reasonable to direct NSPW to provide reporting for the EVR-1 and EVR-2 programs on aggregated interval data, analysis of customer cost savings, and analysis of load

management. This information shall be filed in September 2022 and in September 2024, respectively.

6. It is reasonable to direct NSPW to provide annual reporting for the Commercial Program on the following:

a. Number of customers participating in revenue-based extension rules, including each customer's estimated load, total allowance, customer contribution, and total extension costs for both distribution extension and make-ready infrastructure with a comparison to current extension rules;

b. When actuals are available, the annual reports shall include a comparison of actual and estimated load showing how distribution revenues record the revenue-based distribution allowance; and

c. Number of customers under each of the Optional Charger Service options.

7. It is reasonable to direct NSPW to report for the Commercial Program on the number of customers who do not meet their anticipated load level within two -years and who receive a true-up; on the number of customers who do not pay the true-up bill prior to NSPW writing it off and the amounts NSPW writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true-up period.

8. It is reasonable to direct NSPW to file to continue, modify, expand, replace, or close out the EVR-1, EVR-2, and Commercial Program pilot programs by April 1, 2025.

9. It is reasonable to grant NSPW, with conditions, waivers of the following Wisconsin Administrative Code and NSPW tariff provisions as they pertain to the EVR-1 program charging unit sub-meter:

a. Wisconsin Admin. Code § PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;

b. Wisconsin Admin. Code § PSC 113.0406(1)(c) and Schedule Ex.-15, Section 3.3 pertaining to marking bills based on usage measured by the EV charging unit sub-meter as estimated; and

c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

10. It is reasonable to direct NSPW to modify its tariff provisions to make the tariff language more explicit in informing customers that in the event of an error in the charging unit sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate.

11. It is reasonable to deny NSPW's rescinded request for a waiver of Wis. Admin. Code § PSC 113.0407 and Schedule Ex.-13, Section 2.8 for the EVR-1 program.

12. It is reasonable to grant NSPW, with conditions, a limited waiver of the following Wisconsin Administrative Code and NSPW tariff provisions as they pertain to the EVR-1 program charging unit sub-meter:

a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements;

b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, 113.0924, and Schedule Ex.-16, Section 3.4 pertaining to meter testing standards and recalculating bills for inaccurate meters; and

c. NSPW tariff Schedule Ex.-19, Section 4.4 pertaining to a prohibition against installing additional meters under any one account.

13. It is reasonable for the Commission to establish an initial meter accuracy and testing standard for the charging unit sub-meter requiring initial accuracy as shown by the manufacturer to be within 2 percent, to direct NSPW to work with Commission staff on developing an ongoing meter accuracy and testing standard, and to require NSPW to propose such standards by September 1, 2022. The Commission delegates to the Administrator for the Division of Digital Access, Consumer and Environmental Affairs the authority to modify the initial meter accuracy and testing standard authorized by the Commission in this docket.

14. It is reasonable to direct NSPW to provide and include updated tariff language explaining that over- or under-registration of charging use will result in more or less usage being billed at a new TOD rate specifically designed for EVs (EV TOD) and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

15. It is reasonable to grant a waiver of customers' billing adjustment rights under Wis. Admin. Code § PSC 113.0406(4) and to approve NSPW's tariff language referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its EVR-1 and EVR-2 optional program tariffs.

16. It is reasonable to grant NSPW, with conditions, waivers of the following Wisconsin Administrative Code and NSPW tariff provisions for the Commercial Program, to the extent such waivers are required:

a. Wis. Admin. Code § PSC 113.1005(1)

b. Wis. Admin. Code § PSC 113.1007(1)

c. Wis. Admin. Code § PSC 113.1008(3)

d. Schedule Ex.-25, Section 5.32

e. Schedule Ex.-26, Section 5.33

f. Schedule Ex.-30, Section 5.342

g. Schedule Ex.-31, Section 5.343

h. Schedule Ex.-34, Section 5.6

Conclusions of Law

1. NSPW is an electric public utility under Wis. Stat. § 196.01(5).

2. The Commission has authority under Wis. Stat. §§ 196.02, 196.025, 196.03, 196.19, 196.20, and 196.37 to authorize NSPW to implement EV service programs, and to determine that the rates and rules in the tariffs are reasonable and just as a matter of law.

3. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02 and 196.395.

4. No hearing under Wis. Stat. §§ 196.20(1) or (2m) was required in this matter as the EV service programs, as conditioned by this Final Decision, do not curtail the obligation or undertaking of NSPW, or constitute an increase in rates to consumers.

Opinion

NSPW proposed two residential EV programs and one pilot commercial EV program. NSPW currently serves the EV charging needs of its residential customers through whole-house TOD rates, which facilitate savings for EV owners charging their vehicles during off-peak periods at night. The two residential EV programs proposed in the application would combine providing customers with EV charging equipment with a TOD rate design, and attempt to address the upfront charging infrastructure cost barrier to EV adoption. The two residential EV programs are similar, but would allow residential customers with EVs to participate in different ways.

The first residential EV program, which NSPW calls the Residential EV Home Service Program (EVR-1), would allow customers to contract with NSPW to install an EV charger, in which household usage would continue to be billed at the residential or farm flat energy charge rate (Rg-1 or Fg-1), while the EV charger usage would be measured and billed at a new TOD rate specifically designed for EVs (EV TOD). The second residential program proposed by NSPW, referred to as the Voluntary EV Charger Service Program (EVR-2), is for residential customers who want to contract with NSPW for an EV charger, and who also wish to keep their household energy use metered on NSPW's existing TOD rate (Rg-2).

Under both residential EV programs, customers would have two options to pay for the installed charging unit plus associated ongoing service costs, including maintenance and administrative costs. The two options would be "bundled" or "prepay." The bundled option has no upfront fee; participating customers would pay a monthly fixed charge that would enable NSPW to recover all costs of the EV charger and associated services over the course of the contract. Upon the end of contract, customers who choose the bundled option would be able to sign a new 10-year contract, under which NSPW would continue to own and maintain the existing charger or replace it with another charger if needed. NSPW plans to redeploy EV chargers among customers electing service under the bundled option if a customer terminates its contract early, or if the charger is still usable after the end of the 10-year term.

Under the second option—prepay—participating customers would pay the costs of the EV charging unit upfront, and would also be required to pay a monthly fixed charge for the remaining associated service costs. Under NSPW's proposal, only customers electing service under the prepay option are guaranteed to receive a new EV charger. Prepay comes with the additional option for the customer to keep the EV charger after the contract is complete, or sign another contract with NSPW that would include a new EV charger. NSPW proposes to continue to maintain and repair the EV charger after ownership is transferred to the customer, but would require the customer to replace this EV charger if it breaks by signing a 10-year contract if the customer wishes to continue to participate in the program. NSPW designed both payment options in order to collect all EV charger and service costs, and to hold all other non-participating customers harmless to ensure there is no cross-subsidization.

In its application, NSPW describes how these residential programs were designed based on experience gleaned from its sister utility, Northern States Power Company-Minnesota (NSPM), and NSPM's own EV charger pilot program that was implemented in Minnesota. NSPW also describes proposed accounting treatment, marketing considerations, annual reporting, and experience NSPW would gain in order to better understand load management that would be needed in future EV high penetration scenarios.

NSPW also proposed in this application a Commercial Electric Vehicle Service Program pilot (commercial program) which aims to address high upfront costs that may be faced by commercial class customers creating EV charging infrastructure for their own business purposes. The commercial program would be an alternative option for customers who must pay NSPW for extension services, and would allow NSPW the ability to own and maintain "make ready" EV charging equipment (equipment up to the charger but not including the charger) for commercial customers who wish NSPW to do so. Commercial customers would also have the option to have NSPW own both the "make-ready" equipment and the EV chargers on the customers' premises for a fee.

NSPW proposes an alternative "revenue-based extension allowance" for its commercial program. The costs for NSPW to install, own, and maintain equipment and wiring on a commercial customer's premises would be part of the extension costs.

The proposed contract between participating residential customers and NSPW contains several terms and conditions, and for EVR-1, NSPW specifically requests that the Commission grant waivers of specific requirements of the Wisconsin Administrative Code. These waiver requests for the residential program are related to certain billing, consumer complaint, and metering requirements of the Code. NSPW did not expressly request any waivers of Wisconsin Administrative Code requirements to implement the EVR-2 program, but the tariff sheets for each of the residential options includes language stating that customers choosing the rate schedule waive rights to billing adjustments, including any rights under Wis. Admin. Code § PSC 113.0406(4). Accordingly, a waiver for EVR-2 program may also be necessary. In connection with the proposed commercial program, NSPW requested that the Commission grant a waiver of specific requirements in Wis. Admin. Code §§ PSC 113.1005(1), 113.1007(1), 113.1008(3), and rules found in NSPW's tariffs. These waiver requests for the commercial program are related to the embedded extension allowance methodology that is required by the code and tariff provisions. The waiver requests for the EVR-1, EVR-2, and commercial programs will be discussed in detail later in this Final Decision, following the analysis of the proposed programs.

The Commission commends NSPW for working with stakeholders before filing its application, and for designing EV programs to meet both residential and commercial customer needs as well as hold non-participating customers harmless. The Commission approves of NSPW's proposed residential EVR-1 and EVR-2 programs and commercial program, all as pilot programs, with modifications and conditions described below.

EVR-1 Program

As described above, NSPW's proposed EVR-1 program would allow customers to contract with NSPW to install an EV charger using a new three-tiered TOD rate. Household usage would continue to be billed at the residential or farm flat energy charge rate (Rg-1 or Fg-1), while the EV charger usage would be measured and billed at this new TOD rate specifically designed for EVs. All usage for the property, both house usage and EV charger usage, would pass through and register on the primary house meter at the property. However, the EV chargers also contain sub-meters that NSPW proposes to use to parse out and subtract the EV charger energy use from the total house usage for the application of the respective Rg-1 or Fg-1 versus EV TOD usage rates.

Commission staff's Memorandum presented an analysis of NSPW's proposed three-tiered TOD rate designed for the EVR-1 program. The analysis included application of NSPM's Minnesota participants' charging data with NSPW's proposed EVR-1 TOD rate. Commission staff concluded that that since the NSPM Minnesota EV tariff uses different TOD periods than the proposed EVR-1 tariff, a direct comparison is difficult to make. Commission staff did not make suggestions to alter NSPW's proposed EVR-1 TOD rate structure. Comments received by NSPW and CUB also concluded that Minnesota charging behavior, and potential bill impacts, could not be compared with the proposed EVR-1 as these Minnesota participants received different price signals.

Commission staff's Memorandum also provided analysis of potential system impacts of future EV load profiles. In response to Commission staff data requests, NSPW stated that current forecasts do not expect the load increase due to EVs to be significant in its Wisconsin service territory within a short-term forecast. In terms of distribution system impacts, NSPW's preliminary analysis indicates that the likelihood of EV clusters in neighborhoods and cities could require extensive upgrades to equipment at the grid edge (i.e. transformers and service conductors). EV impacts will likely vary by feeder, based on current loading, ability to tie with other feeders, and the operating parameters of the EV charging stations. Faster charging and medium- and heavy-duty vehicles may introduce more impacts and variability into the power system due to their intermittency and large amounts of energy consumption.

Commission staff's Memorandum also outlined utility ownership of EV infrastructure as a policy issue discussed within Wisconsin and across the nation. In its comments on Commission staff's Memorandum, WIEG expressed general concerns with utilities owning EV infrastructure that is behind the customer's meter. WIEG did not take a position that the Commission should deny NSPW's application for these program because of NSPW's ownership of EV infrastructure. Instead, WIEG notes that should the Commission approve of the programs, costs should be tracked to prevent cross-subsidization, and that NSPW should work with Commission staff on accounting procedures and reporting requirements to ensure non-participating customers are held harmless. The Commission fully supports the principle of holding non-participating ratepayers harmless with new utility programs that create optional products in which customers can voluntarily participate and agree to pay all costs associated with the revenue requirements. Designating these new programs as pilot programs, and requiring robust accounting and reporting requirements, will allow the Commission to ensure other customers are held harmless.

In consideration of Commission staff's Memorandum and comments received, the Commissions finds that it is reasonable to approve of NSPW's proposed EVR-1 program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below.

EVR-2 Program

NSPW proposed the EVR-2 program for residential customers who want to contract with NSPW for an EV charger, and who wish to sign up for or keep their household energy use metered on NSPW's existing TOD rate (Rg-2). Customers participating in one of NSPW's parallel generation programs, such as customers who own solar photovoltaic panels and interconnect with NSPW's system, may also sign up for NSPW's proposed EVR-2 program. Rather than separate household usage as applied with the flat Rg-1 rate, such as with the EVR-1 program, the EV load and household load would not be separated under EVR-2. All load, including household and EV charging, would be subject to NSPW's current two-tiered Rg-2 rate.

The Commission did not receive additional comments specific to the EVR-2 proposal. With consideration of its decision regarding the EVR-1 program, and the additional participating options that the EVR-2 program affords NSPW's residential customers, the Commission finds that it is reasonable to approve NSPW's proposed EVR-2 program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below.

In response to the Commission's request for additional comments, NSPW stated that customers would be able to transition between EVR-1 and EVR-2 programs if they choose consistent with the program's design that EVR-1 is not available to customers who have a parallel generation system interconnected to the same meter.

Commercial Program

NSPW stated in its application that its commercial program aims to address the high upfront costs faced by commercial class customers that wish to create EV charging infrastructure for their own business purposes. Currently, customers must pay upfront for utilities to build extensions to serve the customers' new load, but customers receive an embedded extension allowance, which is determined by the Commission on a class-by-class basis in every utility rate case. The embedded allowance is based on class-average distribution infrastructure costs, which are embedded in utility charges that the customer pays continually once service is established. The embedded allowance essentially credits the customer for average costs of distribution extensions that are paid by all customers on an ongoing basis. The embedded extension allowance methodology is required by Wisconsin Administrative Code and NSPW's tariffs.

For its commercial program, NSPW proposed to offer a program that provides commercial customers with a choice to replace the embedded extension allowance methodology with an optional revenue-based extension allowance, which is based on future revenues that NSPW would receive from commercial customers based on distribution (customer) demand charges. The commercial program would also allow NSPW to incorporate the costs of utility-owned and maintained make-ready equipment into the total cost of the extension. The make-ready equipment would include service panels, conduit, wiring, and other equipment needed to support EV chargers on the customers' premises. Finally, the commercial program would provide an additional option for NSPW to own and maintain EV chargers and associated equipment for a monthly service charge.

NSPW's proposal for calculating the revenue-based extension allowance follows a similar methodology that is used by natural gas utilities,[1] where the average annual carrying costs would be recovered by the additional distribution demand revenue from the new load growth. Although there are similarities between NSPW's proposed revenue-based extension allowance and existing revenue-based extension allowance used for natural gas service, Commission staff's Memorandum did not identify similar proposals from Wisconsin electric utilities.

NSPW claims that this revenue-based extension allowance would hold non-participating customers harmless because: (1) the additional distribution demand revenue would cover the costs of the larger extension allowance, (2) distribution demand charges would not encapsulate all of the costs associated with distribution, and (3) this new growth would provide marginal benefits to all customers as the total system demand grows. Commission staff's Memorandum notes that while in the long run non-participating customers may be held harmless, in the initial years the additional credit for the revenue-based allowance (assuming it is larger than the embedded cost allowance) would be funded by all other ratepayers in NSPW's territory. Only after NSPW collects future distribution demand revenues from the new load that equals the revenue-based allowance would both NSPW and all its ratepayers be made whole.

NSPW recognizes that the forecasted load and actual load will not always align, so it is including a refund provision for the first two years after a customer receives a revenue-based

[1] Natural gas utilities are governed by a different section of the Wisconsin Administrative Code. *See* Wisconsin Administrative Code ch. PSC 134.

extension allowance. If actual demand falls below 25 percent of what was expected and installed for, the customer will be responsible for refunding NSPW any excessive allowance that they should not have received given their actual demand.

In its comments on Commission staff's Memorandum, NSPW stated that while it is true that in the initial years the additional credit for the revenue-based allowance would be funded by all other ratepayers in NSPW's territory, the levelized annual revenue requirement approach used is similar to other utility ratemaking. NSPW provides the example of lighting tariffs, which have fixed investment charges for lighting customers that allows the utility to recover small monthly payments in order to fulfil the revenue requirement and hold other customers harmless. In its comments CUB concurred that the NSPW proposed design for the revenue-based extension allowance would satisfy revenue requirements of extension costs and hold other customers harmless.

In its comments, ChargePoint suggested that the 25 percent load threshold for customer refund to NSPW should be removed, noting the difficulty of forecasting new customer demand loads. If the Commission would not consider removing the true-up requirement, ChargePoint alternatively suggested a five-year period for true-up instead of the two-year period as proposed by NSPW. The Commission was not convinced, as the 25 percent threshold for the refund provision, and associated two-year true-up period, holds non-participating customers harmless should load not materialize and NSPW not receive expected distribution demand charge revenue.

ChargePoint also commented on additional minimum technical requirements of EV chargers that it proposed NSPW should require in its selection of EV products and vendors as offered to commercial customers in this program. In particular, ChargePoint suggested that

NSWP-offered EV chargers must have the ability to connect to a network, be Underwriters Laboratory certified, have smart energy management and data storage capabilities, and low standby power consumption (which may be demonstrated by ENERGY STAR® certification). Additionally, ChargePoint identified a vendor competition concern. ChargePoint believes NSPW should not preclude any charging equipment's eligibility for participation under the tariff based on price, provided that it meets the necessary technical specifications. The Commission discussed these additional minimum technical requirements, and the possibility of preclusion of commercial program charging equipment based on price, and directed Commission staff to issue a request for utility and stakeholder comments regarding ChargePoint's suggestions.

The Commission had similar concerns for ensuring the proposed commercial program holds non-participating ratepayers harmless as discussed above with the residential EV programs. NSPW proposed the commercial program as a pilot, with a 30 megawatt pilot cap. The Commission agrees that designating these new programs as pilot programs, and requiring robust accounting and reporting requirements will allow the Commission to ensure other customers are held harmless. In consideration of Commission staff's Memorandum and comments received, the Commissions finds that it is reasonable to approve of NSPW's proposed commercial program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below. After review of the utility and stakeholder comments regarding ChargePoint's suggestions, the Commission finds it is reasonable to require EV chargers provisioned through the Commercial "Optional Fleet Charger Service" to meet the additional technical requirements proposed by ChargePoint. NSPW in their final comments also stated that their "proposed EV chargers for the Commercial Program's Optional Charger Service already meet all of ChargePoint's recommended requirements." ChargePoint also requested that NSPW not preclude any charging equipment's eligibility based on price alone. The Commission finds NSPW's approach, which includes a choice amongst multiple vendors offering single-port and dual-port chargers spanning three cost options in the Commercial Optional Fleet Charger Service, and their intention to update and realign the list of equipment over time, to be reasonable.

Accounting Treatment

NSPW proposed that all EVR-1 charging equipment would be recorded in Federal Energy Regulatory Commission (FERC) Account 101 Plant In Service (FERC Plant Account 370 Meters) and all EVR-2 charging equipment would be recorded in FERC Account 101 Plant In Service (FERC Plant Account 371 Installations on Customers' Premises). Prepaid equipment costs for EVR-1 and EVR-2 would be recorded with a value of $0, as the equipment would be prepaid by the customer. Customers who choose the bundled option would have their equipment recorded at cost in plant. Depreciation expense would be recorded to FERC Account 403 Depreciation Expense, and NSPW would record cost in the same manner as other mass distribution assets. Assets purchased would be capitalized as an electric distribution asset to FERC Account 101 and would be further classified into FERC Plant Account 370 or 371 in vintage groups for the purpose of depreciation rather than as individual equipment.

Commission staff's Memorandum noted that recording the bundled equipment in plant raises concerns that costs could be socialized to all ratepayers rather than being included in participant fees, and that by recording the plant at cost NSPW could also earn a return on rate base for double recovery. Since the customer would pay for the charging equipment either by prepaying or financing the equipment over its expected life, in which case NSPW would earn a return through the monthly fixed charge, Commission staff suggested that the Commission could reasonably address these concerns by instead requiring NSPW to record the assets as $0, or below the line, regardless of how the customer would pay for the equipment.

In its comments on Commission staff's memorandum, NSPW did not agree that double recovery was a possibility, and opposed a Commission requirement to record assets as $0, or below the line. NSPW stated that program costs (revenue requirements) and program revenues would offset with no risk of double recovery. CUB agreed that there was no risk for double recovery in its comments. The Commission finds that it is reasonable for NSPW to record the assets as proposed, and this will be affirmed as part of the next rate case. In addition, the Commission believes appropriate accounting procedures should be established to protect against cross-subsidization from non-participating customers as described below.

NSPW states that cost recovery issues will be fully addressed in the next rate proceeding, and envisions that any revenue requirement impact associated with the program would be recovered from participants through the program's pricing. However, Commission staff's Memorandum stated that it is unclear exactly how NSPW would track all of the costs related to this program. The Memorandum also suggested that NSPW would need to institute procedures so the costs associated with EVR-1 and EVR-2 would be directly assigned to the appropriate class so there would not be cross-subsidization from other customer classes. Additionally, the Memorandum stated that program costs and revenues would have to be separated from non-participating customers during rate case cost-of-service study (COSS) reviews in order to ensure non-participants are not allocated program costs in rate design.

With regard to the proposed commercial program, NSPW stated that distribution extension costs, including make-ready infrastructure costs, under the commercial program will be treated identically to NSPW's current extension policy. Extension costs would be added to rate base in the appropriate FERC account and offset by customer contribution in aid of construction. If the customer does not meet the availability criteria in the first two years, the commercial program's allowance refund provision would be exercised, and the customer would be required to pay any additional customer contribution in aid of construction, which would offset rate base. The Commission staff Memorandum section on accounting concluded that the Commission may wish to direct NSPW to work with Commission staff on accounting procedures, and COSS approach, to better track program costs and revenues, and ensure there is no cross-subsidization from other non-participating customers.

In its comments on Commission staff's Memorandum, NSPW stated that although procedures have been established with experience gained from the NSPM Minnesota pilot, that it is not opposed to working with Commission staff on accounting procedures, but that the COSS issues could be handled during the next rate case. Both CUB and WIEG supported Commission staff suggestions to direct NSPW to work with Commission staff on accounting procedures. The Commission finds that it is reasonable to direct NSPW to work with Commission staff to find an agreement on accounting procedures. This will ensure that program costs and revenues are appropriately tracked, and that there is no cross-subsidization from other non-participating customers. NSPW shall provide accounting treatment and procedures for the programs to Commission staff within 60 days of this Final Decision. Other reporting requirement conditions, related to program costs and other issues, are detailed in the next section of this Final Decision.

Marketing, Performance Metrics, and Reporting

With regards to marketing, NSPW stated in its application and in responses to Commission staff data requests that it intends to make customers aware of all new EV service offerings through existing marketing channels used for all service offerings, as well as through EV-specific outreach efforts. NSPW already operates an Electric Vehicle page on its website providing general educational information on EV purchasing options and relevant electric rates, which would be updated to provide specific information on approved NSPW offerings. NSPW also reports that it will seek to make customers aware of the offerings through targeted email outreach and participation in EV-oriented community events.

NSPW identified three goals for the operation of its EV offerings: (1) maintaining safety, reliability, and billing accuracy; (2) achieving effective customer service; and (3) reducing costs for customers, including both upfront costs of charger installation and ongoing bill savings compared to other rate options.

Commission staff's Memorandum described how NSPW proposed to collect data on its customer service through surveys to measure customer satisfaction and collect information on their experiences with installation, maintenance, and ongoing charging. In its application, NSPW proposed that it would prepare and file an annual report identifying the number of participants in each EV program and the total amount of electricity sold by TOD.

The Commission Memorandum described additional performance reporting for the Commission's considerations, which could include:

- Program budget and spending;
- Survey results regarding customer satisfaction and installation experiences;

- Interval data;
- Analysis of the cost savings experienced by participating customers, including savings related to charger purchase and installation and monthly customer bills; and
- Analysis of the load management impacts associated with the growth in EV use on NSPW's electric system.

In its comments on Commission staff's Memorandum, NSPW agreed that it could include annual reporting on program budget and spending, as well as survey results. However, NSPW recommended it could provide interval data at an aggregate level, as well as load management analysis in two incremental reports, with suggested deadlines of September 2022 and September 2024. CUB supported Commission staff's reporting conditions in general, but was concerned about utility burden of frequent reports, and ultimately suggested NSPW staff work with Commission staff on reporting improvements. WIEG likewise suggested NSPW work with Commission staff on this issue.

The Commission finds that it is reasonable for NSPW to report annually for the EVR-1 and EVR-2 programs on the following:

a. Number of customers and selected options (bundled vs. prepay);
b. Total amount of electricity sold by TOD;
c. Program budget and spending; and
d. Survey results regarding customer satisfaction and installation experiences annually.

Additionally, the Commission finds that it is reasonable for NSPW to provide reporting for the EVR-1 and EVR-2 programs on aggregated interval data, analysis of customer cost savings, and analysis of load management. This information shall be filed in September 2022 and in September 2024.

For the Commercial Program, the Commission finds that it is reasonable for NSPW to provide annual reports on the following:

a. Number of customers participating in revenue based extension rules, including each customer's estimated load, total allowance, customer contribution, and total extension costs for both distribution extension and make-ready infrastructure with a comparison to current extension rules;

b. When actuals are available, the annual reports shall include a comparison of actual and estimated load showing how distribution revenues record the revenue-based distribution allowance; and

c. Number of customers under each of the Optional Charger Service options.

Additional reporting requirements for the Commercial Program, associated with waiver requests, costs, and the true-up refund provision is discussed in sections below.

In order to assess all three of these NSPW EV programs as pilots, the Commission would like to discuss these programs at a future date that would enable NSPW, Commission staff, and all stakeholders enough time to analyze NSPW's reports and data made available. The Commission finds that it is reasonable to direct NSPW to file to continue, modify, expand, replace, or close out the EVR-1, EVR-2, and Commercial Program pilot programs by April 1, 2025.

EVR-1 Waivers Related to Billing

NSPW requested a waiver of specific administrative code and tariff provisions in order to implement its EVR-1 proposal. Wisconsin Admin. Code § PSC 113.01(2) provides:

> Nothing in this chapter of the Wisconsin Administrative Code shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in said rules.

The provisions identified by NSPW relate to billing, customer complaints, and metering requirements, specifically as each relates to the sub-meter found on the EVR-1 charging unit, which would be used to parse out EV charging load from the overall house load for purposes of billing the charging load at the EV TOD rate. NSPW requested that the EV charging unit not be considered a "meter" for purposes of these requirements. NSPW does not request a waiver of these requirements as they relate to the primary electric meter, through which all service, house and charger usage cumulatively, would run. NSPW asserted, however, that the application of these requirements to both the primary meter and the charging unit's sub-meter would prove administratively burdensome to the extent that the new optional program design would not be practical. Accordingly, NSPW requested that meter-related provisions in the code and its tariffs that are inconsistent with its proposal not apply to the EVR-1 charging unit's sub-meter, including waivers related to billing:

a. Wisconsin Admin. Code § PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;

b. Wisconsin Admin. Code § PSC 113.0406(1)(c) and Schedule Ex.-15, Section 3.3 pertaining to marking bills based on usage measured by the EV charger as estimated.; and

c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

Among other things, a utility bill is required to include: present and last preceding meter readings; the date of the present meter reading; and the date of the next scheduled meter reading. These requirements are generally intended to ensure that each electric bill includes the necessary information for a customer to check the calculation of the bill. NSPW requested a waiver of these requirements in Wis. Admin. Code § PSC 113.0406(1)(a)3., 4., and 5., so these items would not show on the bill separately for the charging unit's sub-meter. These items would continue to show on the bill for the property's primary or house electric meter. NSPW requests that for Wis. Admin. Code § PSC 113.0406(1)(c), this program's approach to using EVR-1 charging unit measurement for parsing out EV load not be considered to be billing "without an actual meter reading" which would require a bill designation that the bill is "estimated." NSPW also requested a waiver of its tariff, Schedule Ex.-15, Section 3.3 Billing, which also cites the requirement to identify estimated bills.

A waiver of the billing requirements found in Wis. Admin. Codes §§ PSC 113.0406(1)(a)3., 4., and 5., and PSC 113.0406(1)(c) with regard to the charging unit's sub-meter may reduce EVR-1 customers' ability to verify bills for accuracy as that ability relates to the allocation of EV TOD versus Rg-1 or Fg-1 usage. Commission staff's Memorandum discussed a potential Commission condition for this waiver request that ensures the customer understands and accepts the possible range of billing outcomes should the charging unit sub-meter over- or under-register. As one option, the customer could be provided an insert or fact sheet with information showing the range of billing impacts for various customer load profiles should there be an under- or over-allocation of usage to the EV TOD rate versus to the Rg-1 or Fg-1 rate. Another option could include requiring NSPW to make its tariff language more explicit in informing customers that in the event of an error in the sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate. This could alleviate potential concerns that the tariff as drafted might not reflect the charges to be billed to the customers.[2] Alternatively, Commission staff suggested the Commission could find that the materials NSPW proposes to provide to the customer, including print and web marketing materials, conversations with call center staff, and the tariff as drafted, are sufficient for customers to verify their bills, and to understand potential risks and the range of potential billing impacts should the customer choose to opt in to the program.

In its comments on Commission staff's Memorandum, NSPW stated that it already planned to include language informing customers what would happen in the event of sub-meter errors in tracking EV charging usage, in the Customer Service Agreement for the program, and would agree to modify its tariff sheets to also include this language.

The Commission finds the program design required to offer customers the option of a separate TOD rate for charging without the expense of a second meter installation to be an exceptional or unusual situation meriting the waivers. Residential EV charging was not contemplated when the administrative code requirements were developed, nor had a similar program design been proposed at the time. Not only is high upfront cost a barrier to EV adoption, but so may be a requirement to switch the entire property to a TOD rate. Because

[2] Wisconsin Stat. § 196.22 provides: "No public utility may charge, demand, collect or receive more or less compensation for any service performed by it within the state, or for any service in connection therewith, than is specified in the schedules for the service filed under s. 196.19, including schedules of joint rates, as may at the time be in force, or demand, collect or receive any rate, toll or charge not specified in the schedule."

NSPW's proposal addresses those barriers, and given the optional nature of the program and the potential intermittency of the Wi-Fi connection which could affect NSPW's ability to accurately measure the timing of usage, the Commission finds that it is reasonable to grant NSPW waivers of the following Wisconsin Administrative Code and NSPW tariff provisions for the EVR-1 program, with conditions:

a. Wisconsin Admin. Code § PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;

b. Wisconsin Admin. Code § PSC 113.0406(1)(c) and Schedule Ex.-15, Section 3.3 pertaining to marking bills based on usage measured by the EV charger as estimated; and

c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates. The Commission finds it is reasonable to condition these waivers on the requirement that NSPW modify its tariff provisions to make the tariff language explicit in informing customers that in the event of an error in the sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate. Additionally, the Commission finds that it is reasonable to require NSPW to provide and include updated tariff language explaining that over- or under-registration of charging use will result in more or less usage being billed on EV TOD and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

EVR-1 Waivers Related to Dispute Resolution

With regards to customer dispute resolution, in its application NSPW requested a waiver of Wis. Admin. Code § PSC 113.0407 and Schedule Ex.-13, Section 2.8 Dispute Procedures, as they relate to the charging unit sub-meter. This administrative code section requires electric utilities to investigate customer disputes and participate in the Commission's complaint process. NSPW asserts it would be administratively burdensome to follow the complaint process for disputes related to the amount of electricity showing on the charging unit's sub-meter.

Commission staff's Memorandum described how, pursuant to statutory and Wisconsin Administrative Code requirements, a customer may contact the Commission to complain about an aspect of service. When that situation arises, Commission staff assesses the customer's stated concerns in light of the Commission's areas of jurisdiction and the relevant, applicable requirements of the statutes, administrative code, tariffs, and Commission orders in its determination regarding whether to open a complaint investigation.

In its comments on Commission staff's Memorandum, NSPW states that to the extent the Commission believes that Wis. Admin. Code PSC § 113.0407 does not invoke the other applicable provisions in the administrative code that NSPW has requested be waived, NSPW is comfortable rescinding its request for a waiver of Wis. Admin. Code § PSC 113.0407 and the corresponding section in its tariff. In consideration of Commission staff's Memorandum and NSPW's offer to rescind its request for this waiver, the Commission finds it reasonable to not grant NSPW a waiver of Wis. Admin. Code § PSC 113.0407 and Schedule Ex.-13, Section 2.8 for the EVR-1 program.

EVR-1 Waivers Related to Metering, Accuracy, and Testing

NSPW requested that the Commission waive the meter accuracy and testing requirements of the Wisconsin Administrative Code that are inconsistent with the EVR-1 proposal. These include waivers for the following:

a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements;

b. Wisconsin Admin. Codes §§ PSC 113.0901, 113.0903, 113.0905, 113.0924, and Schedule Ex.-16, Section 3.4 pertaining to meter testing standards and recalculating bills for inaccurate meters; and

c. NSPW tariff Schedule Ex.-19, Section 4.4 pertaining to a prohibition against installing additional meters under any one account.

NSPW noted that the load monitoring and charging equipment used in the Minnesota pilot all tested with an accuracy within two percent. NSPW proposes to use this same equipment and testing standard to evaluate charging equipment used in its Wisconsin pilot.

Wisconsin Stat. § 196.16(2) requires that "[t]he [C]ommission shall establish reasonable rules, regulations, specification and standards to secure the accuracy of all meters and appliances for measurement of public utility service." Wisconsin Stat. § 196.17 further provides that the "[C]ommission shall provide for the examination and testing of every appliance used for measuring any product or service of a public utility." Because the statutory language refers to "appliances for measurement of public utility service," not just meters, granting a complete waiver of any accuracy standards or testing requirements for the EVR-1 charging units could be problematic under these statutes.

As EV charging equipment is new technology that postdates the creation of these administrative codes, however, rather than a full waiver of the requirements or a broad finding that EV chargers are not meters, Commission staff's Memorandum suggested that the Commission may find it reasonable to conclude that the one percent accuracy requirements prescribed for standard meters in Wis. Admin. Code § PSC 113.0811 need not be applied to the EV chargers to be used as part of the EVR-1 program. Commission staff's Memorandum suggested the Commission could impose a potential alternative accuracy standard, such as NSPW's suggested two percent threshold, specifically for this program, as well as an alternative testing standard.

In its comments on Commission staff's Memorandum, NSPW states that it could work with the industry and Commission staff to propose, by September 1, 2022, an accuracy and testing standard to be used for the EV chargers under the EVR-1 rate.

The Commission finds there are unique and exceptional circumstances presented by this program, and the new technology involved with EV charging equipment, which did not exist at the time the code was created, that justify deviation from the meter accuracy and testing standard requirements of the Wisconsin Administrative Code and tariff provisions identified by NSPW.

The Commission finds it is reasonable to establish an initial meter accuracy and testing standard requiring initial accuracy, as shown by the manufacturer of the EV charging equipment, to be within two percent. The Commission further finds it reasonable to direct NSPW to work with Commission staff on an ongoing meter accuracy and testing standard that could be used beyond initial installation, with NSPW to propose such standards by September 1, 2022. Additionally, the Commission delegates to the Administrator for the Division of Digital Access, Consumer and Environmental Affairs the authority to modify the initial meter accuracy and testing standard and to approve the ongoing meter accuracy and testing standards authorized by the Commission in this docket.

With these conditions, the Commission finds that it is reasonable to grant NSPW a limited waiver of the following Wisconsin Administrative Code and NSPW tariff provisions for the EVR-1 program:

a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements;

b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, 113.0924, and Schedule Ex.-16, Section 3.4 pertaining to meter testing standards and recalculating bills for inaccurate meters; and

c. NSPW tariff Schedule Ex.-19, Section 4.4 pertaining to a prohibition against installing additional meters under any one account.

Residential Program Tariff Language Waiving Billing Adjustment Rights

Under the EVR-2 program, all household and EV charging usage would be billed on a single Rg-2 TOD rate, using NSPW's existing meter, so NSPW is not requesting the waivers discussed above for EVR-1 for that program. Both the EVR-1 and the EVR-2 schedules include the following language, however: "Any customer choosing to be served on this rate schedule waives all rights to any billing adjustments arising from a claim that the bill for the customer's service would be cheaper on any alternative rate schedule for any period of time, including any rights under Wis. Adm. Code section PSC 113.0406(4)."

The relevant portions of Wis. Admin. Code § PSC 113.0406(4) require utilities to compute customer bills at the proper filed rate, and notify customers of lower cost rate options unless the customer has opted into an applicable rate. Rate schedules for various investor-owned utilities, including some of NSPW's existing rate schedules, have identical language to NSPW's tariff waiver language on TOD and various pricing riders. Commission staff's Memorandum suggested that the Commission may determine that NSPW's language is appropriate in these tariffs as well because customers will have opted into the residential EVR-1 or EVR-2 program, and NSPW is still obligated to bill customers at the proper filed rate by Wis. Stat. § 196.22. The Commission previously found this waiver language in an optional utility tariff to be reasonable, as it ensures the common sense outcome that when a customer voluntarily chooses to go onto an optional rate the customer cannot later request a refund if they could have been on a lower rate schedule. (PSC REF#: 295820 at 51.)

In its comments on Commission staff's Memorandum, NSPW noted that tariff language relating to customers waiving their right to billing adjustments by taking service from a voluntary rate is common place and appropriate. No other commenting parties raised issues with the language. The Commission finds that given the exceptional circumstances presented by these programs, and customers' voluntary choice to enroll in the optional programs, it is reasonable to grant a waiver of customers' billing adjustment rates under Wis. Admin. Code § PSC 113.0406(4), and for NSPW to include the tariff language referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its EVR-1 and EVR-2 optional program tariffs.

Commercial Program Waivers

To implement its commercial program, NSPW requested a waiver of specific administrative codes and tariff provisions as they relate to the use of an embedded cost allowance. NSPW has stated these waivers would apply narrowly to this program and would not apply to any other NSPW programs. The Commission may grant waiver requests where unusual or exceptional circumstances are presented. Wis. Admin. Code § 113.01(2).

The provisions NSPW requests a waiver for are:

a. Wis. Admin. Code § PSC 113.1005(1)

b. Wis. Admin. Code § PSC 113.1007(1)

c. Wis. Admin. Code § PSC 113.1008(3)

d. Schedule Ex.-25, Section 5.32

e. Schedule Ex.-26, Section 5.33

f. Schedule Ex.-30, Section 5.342

g. Schedule Ex.-31, Section 5.343

h. Schedule Ex.-34, Section 5.6

Wisconsin Admin. Code § PSC 113.1005(1) states that customers shall pay the estimated cost of distribution facilities, which is greater than the average embedded cost allowance for existing distribution facilities. As participants in the pilot would receive a revenue-based extension allowance, rather than an average embedded cost allowance, a waiver of this code section would be necessary for NSPW to implement its program.

Under Wis. Admin. Code § PSC 113.1007(1), customers would receive a refund of the contributed extension when NSPW makes an extension to a second customer that does not require a contributed extension. This refund would equal the greater of either the embedded cost allowance in effect at the time the extension was installed or the current embedded cost allowance. NSPW requests a waiver of this code section, as it refers to the use of an embedded cost allowance.

Lastly, Wis. Admin. Code § PSC 113.1008(3) addresses upgrades to distribution facilities. Wisconsin Admin. Code § PSC 113.1008(3)(d) states in relevant part that "customers who are served under a demand rate schedule shall receive an embedded cost allowance." This allowance is calculated by using the customer's average billed demand after the upgrade less the customer's average billed demand before the upgrade. The embedded cost allowance is also used to calculate refunds due to both customers transferring to a different energy-only classification or a demand classification under Wis. Admin. Code §§ PSC 113.1008(3)(c) and (d). These sections would not apply under NSPW's proposed pilot.

The portions of NSPW's tariff that refer to the embedded cost allowance, and thus that NSPW would need to be waived, include Schedule Ex.-25, Section 5.32 and Schedule Ex.-26, Section 5.33 which define the allowance and how it is calculated, and list the allowances assigned to each rate class for extensions intended to serve permanent customers. The embedded cost allowance is referred to in Schedule Ex.-30, Section 5.342 of NSPW's tariff, which is utilized in calculating the amount demand customers shall pay in advance of construction. The embedded cost allowance is also referred to in Schedule Ex.-31, Section 5.343, which addresses how to calculate the amount billed in advance of construction for commercial and industrial developments. Lastly, NSPW seeks a waiver of Schedule Ex.-34, Section 5.6 as it references the embedded cost allowance in calculating the construction credits allotted to customers who require an upgrade in distribution facilities due to a change in customers' load requirements.

As the commercial program differs from the typical practice of utilizing an embedded cost allowance that is detailed in portions of Wis. Admin. Code ch. PSC 113 and NSPW's tariff, NSPW proposes to communicate with customers throughout this new process. Additionally, NSPW will communicate with customers throughout the two-year true-up period. NSPW plans to notify customers of their actual incremental load in relation to their estimated load after 12 months, which would allow the customers an additional 12 months to make any necessary adjustments before the true-up period ends.

While the current extension rules require payment in advance of construction, customers would potentially not receive a bill until two years into the program. With utility facilities already in place, customers may lack some incentive to pay this bill. NSPW does not plan to utilize disconnection to collect unpaid bills that result from a true-up, but would instead apply its non-commodity collections treatment process. Customers would receive a notice when owed amounts are 30, 60, and 90 days past due. A deferred payment agreement would be offered to customers who require one, and amounts still owed after approximately 180 days would be written off. Commission staff's Memorandum suggested that the Commission may also wish to require reporting on the number of customers who do not pay the true-up bill prior to NSPW writing it off, and the amounts NSPW writes off after approximately 180 days, so as to evaluate these additional costs to the program.

As the proposed commercial pilot program is a new offering which aims to balance cost savings for participating customers, costs to non-participating customers, and administrative costs, the Commission staff's Memorandum suggested that the Commission may wish to condition approval of NSPW's requested waivers by requiring reporting on the following:

- The number of customers whose actual load is more than 25 percent less than its estimated load by the end of the two-year true-up period;
- The amount of bills issued to customers at the end of the two-year true-up period;

- The number of customers who have received a true-up bill but have not paid it prior to write-off at approximately 180 days; and
- The amount of true-up bills written off after approximately 180 days.

In its comments on Commission staff's Memorandum, NSPW stated it supports Commission staff's suggested reporting requirements for the Commercial Program to be reported as part of NSPW's 2024 test-year rate case (filed in 2023), or no later than January 1, 2024.

The Commission finds that given the exceptional circumstances presented by this program, including the high cost barriers to EV charging infrastructure, the overall program design which avoids costs to non-participating customers, and customers' voluntary choice to enroll in it, there is good cause for a deviation from the requirements of the Wisconsin Administrative Code and NSPW tariff provisions. The Commission finds that it is reasonable for NSPW to report for the Commercial Program on the number of customers who do not meet their anticipated load level within two years and who receive a true-up bill; on the number of customers who do not pay the true-up bill prior to NSPW writing it off and the amounts NSPW writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true-up period.

With these conditions, the Commission finds that it is reasonable to grant NSPW waivers of the following Wisconsin Administrative Code and NSPW tariff provisions for the Commercial Program:

a. Wis. Admin. Code § PSC 113.1005(1)

b. Wis. Admin. Code § PSC 113.1007(1)[3]

[3] In its comments on Commission staff's Memorandum, NSPW suggested it no longer believes a waiver of this provision is necessary. The Commission grants a waiver to the extent it is required.

c. Wis. Admin. Code § PSC 113.1008(3)[4]

d. Schedule Ex.-25, Section 5.32

e. Schedule Ex.-26, Section 5.33

f. Schedule Ex.-30, Section 5.342

g. Schedule Ex.-31, Section 5.343

h. Schedule Ex.-34, Section 5.6

Order

1. NSPW's request to implement the proposed EVR-1, EVR-2, and Commercial Program programs, as pilot programs, and as modified and conditioned by this Final Decision, is approved.

2. NSPW shall file the EV service program tariffs under Amendment Number 761, and make the tariffs available to the public pursuant to Wis. Stat. § 196.19 and Wis. Admin. Code § PSC 113.0501(1).

3. NSPW shall work with Commission staff to agree on accounting procedures to track program costs and revenues, and ensure there is no cross-subsidization from other non-participating customers. NSPW shall provide accounting treatment and procedures for the programs within 60 days of this Final Decision.

4. NSPW shall provide annual reporting for the EVR-1 and EVR-2 programs on the following:

a. Number of customers and selected options (bundled vs. prepay);

[4] In its comments on Commission staff's Memorandum, NSPW suggested it no longer believes a waiver of this provision is necessary. The Commission grants a waiver to the extent it is required.

b. Total amount of electricity sold by time-of-day;

c. Program budget and spending; and

d. Survey results regarding customer satisfaction and installation experiences annually.

5. NSPW shall provide reporting for the EVR-1 and EVR-2 programs on aggregated interval data, analysis of customer cost savings, and analysis of load management. This information shall be filed in September 2022 and in September 2024.

6. NSPW shall provide annual reporting for the Commercial Program on the following:

a. Number of customers participating in revenue based extension rules, including each customer's estimated load, total allowance, customer contribution, and total extension costs for both distribution extension and make-ready infrastructure with a comparison to current extension rules;

b. When actuals are available, the annual reports shall include a comparison of actual and estimated load showing how distribution revenues record the revenue-based distribution allowance; and

c. Number of customers under each of the Optional Charger Service options.

7. NSPW shall report for the Commercial Program on the number of customers who do not meet their anticipated load level within two years and who receive a true-up; on the number of customers who do not pay the true-up bill prior to NSPW writing it off and the amounts NSPW writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true-up period.

8. NSPW shall file to continue, modify, expand, replace or close out the EVR-1, EVR-2, and Commercial Program pilot programs by April 1, 2025.

9. NSPW shall, with conditions, be granted waivers of the following Wisconsin Administrative Code and NSPW tariff provisions as they pertain to the charging unit sub-meter for the EVR-1 program:

a. Wisconsin Admin. Code § PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;

b. Wisconsin Admin. Code § PSC 113.0406(1)(c) and Schedule Ex.-15, Section 3.3 pertaining to marking bills based on usage measured by the EV charging unit sub-meter as estimated; and

c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

10. NSPW shall modify its tariff provisions related to the EVR-1 program to make the tariff language explicit in informing customers that in the event of an error in the sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate.

11. NSPW shall not be granted a waiver of Wis. Admin. Code § PSC 113.0407 and Schedule Ex.-13, Section 2.8 for the EVR-1 program.

12. NSPW shall, with conditions, be granted a limited waiver of the following Wisconsin Administrative Code and NSPW tariff provisions for the EVR-1 program:

a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements;

b. Wisconsin Admin. Codes §§ PSC 113.0901, 113.0903, 113.0905, 113.0924, and Schedule Ex-16, Section 3.4 pertaining to meter testing standards and recalculating bills for inaccurate meters; and

c. NSPW tariff Schedule Ex.-19, Section 4.4 pertaining to a prohibition against installing additional meters under any one account.

13. NSPW shall establish an initial meter accuracy and testing standard for its EV charging units used in the EVR-1 program, requiring initial accuracy, as shown by the manufacturer, to be within two percent. NSPW shall work with Commission staff to propose, by September 1, 2022, an ongoing meter accuracy standard. The Commission delegates to the Administrator for the Division of Digital Access, Consumer Affairs and Environmental Affairs the authority to modify the initial accuracy and testing standards and to approve the ongoing meter accuracy and testing standards authorized in this Final Decision.

14. NSPW shall provide and include updated tariff language related to the EVR-1 program explaining that over- or under-registration of charging use will result in more or less usage being billed on EV TOD and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

15. NSPW is granted a waiver of customers' billing adjustment rights under Wis. Admin. Code § PSC 113.0406(4) and is authorized to include tariff language referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its EVR-1 and EVR-2 optional program tariffs.

16. NSPW shall, with conditions, be granted waivers of the following Wisconsin Administrative Code and NSPW tariff provisions for the Commercial Program:

a. Wis. Admin. Code § PSC 113.1005(1)

b. Wis. Admin. Code § PSC 113.1007(1)

c. Wis. Admin. Code § PSC 113.1008(3)

d. Schedule Ex.-25, Section 5.32

e. Schedule Ex.-26, Section 5.33

f. Schedule Ex.-30, Section 5.342

g. Schedule Ex.-31, Section 5.343

h. Schedule Ex.-34, Section 5.6

17. This Final Decision takes effect one day after the date of service.

18. Jurisdiction is retained.

Dated at Madison, Wisconsin, the 16th day of July, 2020.

By the Commission:

Steffany Powell Coker

Steffany Powell Coker
Secretary to the Commission

SPC:AMK:jlt:pc DL: 01747234

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS RESPONDENT

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.[5] The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

[5] *See Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.